



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## BOOK REVIEWS.

CONFLICT OF LAWS, OR PRIVATE INTERNATIONAL LAW. By Raleigh C. Minor, M. A., B. L., Professor of Law in the University of Virginia. Boston: Little, Brown & Co., 1901. One volume. 8vo. Buckram, \$3 net. Sheep, \$3.50 net.

With the continuous weaving of the States together into the nets of commerce, when every train and steamer emphasizes the close touch of State to State, and with laws of the different jurisdictions sadly diverse on mercantile subjects, the matter of private international law becomes one of first importance to the active practitioner, and only disappointment comes when he blindly gropes among confused ideas loosely expressed in general texts and irreconcilable cases. The touch of the master hand is needed in such a situation, a touch that will bring order from the chaos, and elaborate a system, sustained by sound reason and properly adjudicated cases, with which other cases can be compared and error thereby more easily detected. It can well be said that the need has been filled in the volume under review.

Having been the first to use the book as a text, the Senior Law Class of 1901 of the University of Virginia, at its final meeting, appointed the undersigned to express on its behalf the opinion of the class as to the work. The task is one to be approached with timidity, and from any point of view is one that requires some boldness. The work has already been reviewed generally in law journals by able critics, and, owing to the difficulty that attaches to the subject, several have frankly confessed their inability critically to review the work. This candor is praiseworthy, for competently to pass judgment upon any work would necessitate, not only a keen appreciation of literary merit, but minute comparison with the labors of other writers on a similar theme. This would involve an intimate acquaintance with such authors and a knowledge of the existing cases on the subject. Modern elaborate reviews are too often the hasty work of those who have "the excuse of youth" and inexperience. We shall by no means, therefore, essay to give an exhaustive criticism, but merely touch upon a few of the points particularly apparent to the student class whom we represent. It might be thought that an opinion from such a source would necessarily be biased, but experience does not bear out the statement that students are always partial to the work and opinion of the professor.

In this day of modern bookmaking, one of the first points to bring a work to the favorable consideration of the lawyer or the student is its physical arrangement, and in this instance no disappointment will be felt. Issued from the University Press by Messrs. Little, Brown & Company, on paper that does not pain the eye, with an excellent table of contents and an exhaustive index, with frequent paragraphing properly titled, and in size neither inconveniently small nor clumsy to handle, the book can hardly fail to commend itself to the casual viewer.

Save for the elaborate works of Wharton, Story and Dicey, too cumbersome for the student, we know of no text on Private International Law that satisfactorily treats the subject, and this volume will fill an especial need in the law schools of to-day. If system is a criterion the book must needs be of high order, since the work is thoroughly logical and analytical. Aristotle has been called the "Great

Analyst," and his symbol is the dissecting knife; the merits of his method, with its continuing analysis of thought, so necessary to the lawyer, are well shown in this volume. It must be remarked with satisfaction, however, that, while Minor's Institutes have done a magnificent work, and have necessarily had powerful influence upon the son of the great teacher to whom the "Conflict of Laws" is so chastely dedicated, the numerical and alphabetical analysis has been abandoned. In a work like this such an analysis would only make confusion worse confounded.

The citations are not local to Virginia, but will enable the book to be used throughout the Union; and the cited cases are modern, many with double references.

As Prof. Minor says in his preface, "If from the tangled skein of decisions upon this subject it can be said that a single certain conclusion may be drawn, . . . I should select as that conclusion the fact that the great foundation and basic principle of private international law is *situs*. Find the *situs* of the particular act, circumstance or subject under inquiry, and you will know the law which should properly regulate its validity and effect." *Situs* proves to be the pole star in the discussion of almost every subject treated, and the perplexed practitioner is enabled to steer his path with intelligence and to apply the "proper law."

Important exceptions to the general rules are set out clearly and connectedly. The subject of "domicile," with its various rules and ramifications, is treated in a masterly way. Probably the greatest mental faculty for the lawyer is the ability to make minute distinctions. This faculty is abundantly evidenced throughout the book.

It is startling when we consider the confused notions that some of the most brilliant courts in the land have entertained on the subject of the *lex loci contractus*. The need of the analyst is sorely felt, and his work here will be appreciated. Abandoning the old idea that a contract could be viewed as a unit, Prof. Minor has dissected it, giving to each element its proper *situs*, from which the proper law is to be drawn, and in place of the ancient phrase has given us three phrases: *locus celebrationis*, *locus solutionis*, and *locus considerationis*; and in many instances it is clearly pointed out how each of these elements must be still further subdivided into its constituents. The last of the three phrases is an indication of the originality displayed on the pages of the work. When the reader has made the distinctions required in order to grasp the true analysis of a contract, not only does there come a lucid understanding of the subject of the conflict of laws, but there also comes a more scientific appreciation of the fundamentals of a contract.

Among the subjects that, apart from theory, will prove of everyday value, are "Situs of Personality and of Debt," including "Transfer of Personality by Will;" the "Dissolution of Marriage Status by Divorce;" the "Situs of Status" of various kinds—especially the "Status of Fiduciaries;" "Situs of Torts;" "Taxation;" and the "Situs of Remedies," with the various questions of practice. The existing confusion of the cases is well shown by the clear statement of the six distinct theories as to the "Situs of Debt for the Purpose of Garnishment." The difficult problems that arise, too, when one has to deal with Negotiable Paper, into which the laws of other States must come, are greatly clarified.

Abundant illustrations of cases—so great an aid to the student—are found in the text. Many of these are examined and compared in detail, and when decis-

ions of high tribunals are found not to stand the test of law and logic they are attacked, deferentially but without fear.

It is not contended that the work is one of perfection, but the inconsistencies and defects that appear are comparatively few. In a work of this character, when its title so well indicates the condition of the decisions, there is necessarily some unclearness here and there. Critics, of course, can disagree as to minute points touched upon in any general work, and from a certain point of view it may be said that this treatise is theoretical. But the larger part of a law course is necessarily theory, and if the student's mind is not prepared for such theories as are here elaborated his labors should be in some vocation other than law.

The "Conflict of Laws" is not the first work from Mr. Minor's pen, but undoubtedly it is the most finished, and represents the arduous labor of several years. The style of the work is remarkably clear and pure. With his antecedents, his ability and his opportunities it is the earnest hope of the Senior Law Class of 1901 that Mr. Minor will offer other works, equally meritorious, to the profession.

JAMES LINDSEY HEARD.

HOMER RICHEY.

ROSCOE C. NELSON.